

Serial No.: 08/896,589
Group Art Unit No.: 1652

79. An isolated polynucleotide of claim 78, wherein the percent identity is at least 80%, or the complement of the entire length of such polynucleotide sequence..

80. An isolated polynucleotide of claim 78, wherein the percent identity is at least 90%, or the complement of the entire length of such polynucleotide sequence.

81. A polynucleotide encoding a fusion polypeptide having at least 70% identity relative to the amino acid sequence set forth in SEQ ID NO:2, wherein said fusion polypeptide comprises the amino acid sequence of SEQ ID NO:2, wherein having at least 70% identity means that the fusion polynucleotide sequence has a number, n_a , which can be zero, of altered, deleted, inserted or otherwise non-matching when compared with SEQ ID NO:2 such that:

$$70\% \leq [1 - (n_a/x_a)] \times 100$$

where x_a is the total number of amino acid residues in SEQ ID NO:2.

82. The polynucleotide of claim 52, 62, 63, 64, 65, 66, 67 or 74, wherein said polynucleotide encodes a Xanthine phosphoribosyl transferase polypeptide that is bound specifically by a protein of *Streptococcus pneumoniae* 0100993 contained in NCIMB Deposit No. 40794.

REMARKS

Support for the amended claims may be found, for example, in the specification on pages 6-10, 13-24, and 36.

Any amendments made herein to the claims were made to solely expedite or otherwise facilitate prosecution and were not made nor should they be construed to have been made to overcome any issue of unpatentability of the claims as the claims existed prior to such amendments.


By the present amendments, claims 52-82, further directed to Group I, are presented. The amendments present 38 claims, including 7 independent claims and at least one multiple dependent claim.

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In view of the cancellation of claims 36 to 42, 44 to 46 and 48 to 51 without prejudice, Applicants respectfully submit that no additional fees are due in connection with this second preliminary amendment. However, if any fees are due in connection with the amendments set forth above, please charge the fee for such amendment to Deposit Account No. 50-0258.

Allowance of the pending new claims is respectfully requested.

Respectfully submitted,


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